



PHIL BRYANT
GOVERNOR

March 24, 2017

VIA EMAIL AS REQUESTED

Mr. Arn Pearson
Mr. Jamie Corey
Center for Media and Democracy
P. O. Box 259010
Madison, WI 53725

Dear Sirs:

In a letter to the Office of the Governor dated March 10, 2017, and received on March 16, 2017, you requested the following information under the Mississippi Public Records Act:

- "a copy of all records that pertain to a letter signed by the attorney general to EPA administrator Scott Pruitt regarding the withdrawal and suspension of the pending information collection request for oil and gas facilities."

Pursuant to Miss. Code Ann. § 25-61-1 et seq., our office has compiled and attached the records to comply with your request.

As a courtesy, we are waiving the charges to you for our research, review and response to your request.

Our compliance with this request shall not be considered as a waiver of any right, privilege, exemption or argument that our office may have under the Public Records Act or otherwise.

Sincerely,

A handwritten signature in cursive script that reads "Clay Chandler".

Clay Chandler
Public Records Compliance Officer

cc: Joey Songy, Chief of Staff
Bobby Waites, Chief Counsel

Alice Perry

From: Whitney Lipscomb
Sent: Tuesday, February 21, 2017 5:06 PM
To: Alice Perry
Cc: Drew Snyder
Subject: FW: State AG letter to EPA regarding information request to oil and gas producers
Attachments: Letter to EPA regarding information request v.3.docx

Alice, Would like to get your thoughts on this.

From: Starr, Brantley [mailto:Brantley.Starr@oag.texas.gov]
Sent: Tuesday, February 21, 2017 4:36 PM
To: 'abrasher@ago.state.al.us'; 'paul.watkins@azag.gov'; 'Dominic.Draye@azag.gov'; 'lee.rudofsky@arkansasag.gov'; 'nicholas.bronni@arkansasag.gov'; 'fred.yarger@coag.gov'; 'Amit.Agarwal@myfloridalegal.com'; 'Jordan.Pratt@myfloridalegal.com'; 'SWarren@law.ga.gov'; 'TButler@law.ga.gov'; 'Cally.Younger@gov.idaho.gov'; 'Tom.Fisher@atg.in.gov'; 'Larry.Johnson@iowa.gov'; 'Brant.Laue@ks.gov'; 'Jeff.Chanay@ag.ks.gov'; 'Steve.Pitt@ky.gov'; 'Chad.Meredith@ky.gov'; 'MurrillE@ag.louisiana.gov'; 'LindstromA@michigan.gov'; 'restucciae@michigan.gov'; 'Drew.Snyder@governor.ms.gov'; 'Whitney.Lipscomb@governor.ms.gov'; 'HPIZZ@ago.state.ms.us'; 'Ryan.Bangert@ago.mo.gov'; 'John.Sauer@ago.mo.gov'; 'DaleS@mt.gov'; 'dave.bydalek@nebraska.gov'; 'dave.lopez@nebraska.gov'; 'LVanDyke@ag.nv.gov'; 'jtartakovsky@ag.nv.gov'; 'Steven.Blankinship@state.nm.us'; 'dbahr@nd.gov'; 'Eric.Murphy@ohioattorneygeneral.gov'; 'patrick.wyrick@oag.ok.gov'; 'mithun.mansinghani@oag.ok.gov'; 'bcook@scag.gov'; 'ESmith@scag.gov'; 'sherri.wald@state.sd.us'; 'Andree.Blumstein@ag.tn.gov'; 'tylergreen@utah.gov'; 'pdouglas@utah.gov'; 'Elbert.Lin@wvago.gov'; 'Thomas.M.JohnsonJr@wvago.gov'; 'tseytlinm@doj.state.wi.us'; 'walshr@doj.state.wi.us'; 'Breuerdm@doj.state.wi.us'; 'john.knepper@wyo.gov'; hancock.fenton@maine.gov
Cc: Toth, Michael <Michael.Toth@oag.texas.gov>; Moody, Grace <Grace.Moody@oag.texas.gov>
Subject: State AG letter to EPA regarding information request to oil and gas producers

Colleagues,

We ask that you join a letter we plan to send to the EPA next Tuesday. The letter is regarding an onerous information request the EPA has sent every oil and gas producer that is tied to the Methane Rule (which a number of our States have filed suit on). **Please let us know by COB Monday, February 27th if your State intends to join.**

The following States have filed suit over the Methane Rule: Alabama, Arizona, Kansas, Kentucky, Louisiana, Michigan, Montana, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Texas, West Virginia, and Wisconsin.

Starting last November, the EPA began asking oil and gas producers for data pursuant to the rule under its authority to collect information. That collection request is here: <https://www.epa.gov/sites/production/files/2016-11/documents/oil-natural-gas-icr-supporting-statement-epa-icr-2S48-01.pdf>.

We see two major problems with the request:

- 1) It depends on the validity of a rule 15 States are challenging, and
- 2) It is exceedingly burdensome for producers to comply with.

We're happy to answer any questions you may have.

Note on open records: Under Texas's expansive open records law, communications relating to anticipated or pending litigation with others are privileged so long as recipients do not join the adverse side of the litigation. Thus, we are only sharing this draft with States that did or have considered joining suits against the Methane Rule.

Thank you.

Brantley Starr
Deputy First Assistant Attorney General
512-936-8160



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February ____, 2017

Hon. Scott Pruitt, Administrator
U.S. Environmental Protection Agency
Office of the Administrator, 1101A
1200 Pennsylvania Avenue, N.W.
Washington D.C. 20460

Re: Request to Suspend and Withdraw the Environmental Protection Agency's
Information Collection Request for Existing Oil and Gas Facilities, EPA ICR
No. 2548.01; from State of Texas, [others].

Dear Administrator Pruitt:

We write to express our concern with the pending Information Collection Request (Request) for Oil and Gas Facilities, EPA ICR No. 2548.01, and request that it be suspended and withdrawn. The information request was issued on November 10, 2016 and requires oil and natural gas companies to provide voluminous information and survey responses in support of the Obama Administration's initiatives to impose onerous requirements upon industry to reduce emissions of greenhouse gasses, such as methane.

As you are aware, 15 States, as well as industry partners, challenged the Obama Administration's attempts to govern emissions of greenhouse gasses from a broad spectrum of new facilities within the oil and natural gas sector. *See North Dakota v. EPA*, Case No. 16-1242 (D.C. Cir.); *State of Texas v. EPA*, Case No. 16-1257 (D.C. Cir.); *State of West Virginia v. EPA*, Case No. 16-1242 (D.C. Cir.).¹ These matters were recently consolidated with pending challenges to the Obama Administration's earlier rules targeting emissions of other compounds from oil and natural gas facilities. *See Am. Petroleum Inst. v. EPA*, Case No. 13-1108, and consolidated cases. The litigation in these matters has just begun, but it relates to a common theme from the Obama Administration—the issuance of onerous regulations and requirements in support of an overall climate agenda targeting multiple industry sectors that will create an economic drag on our nation's economy with dubious environmental benefit. We also disagree with EPA's assumption that it possesses clear authority to regulate methane under section 111(d) of the Clean Air Act without

¹ The States that are in this pending litigation are: Alabama, Arizona, Kansas, Kentucky, Louisiana, Michigan, Montana, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Texas, West Virginia, and Wisconsin.

a specific methane endangerment finding.

This information request furthers the previous administration's climate agenda and supports the next and most onerous phase of the Obama Administration's regulations targeting the oil and gas industry—the imposition of burdensome climate rules on existing sites, the cost and expense of which will be enormous. The burden of the Request is disproportionate to its benefit. We believe the EPA's requests to be an unnecessary and onerous burden on oil and gas producers that is more harassment than a genuine search for pertinent and appropriate information. Among the 114 inquiries of the Request, many state regulatory agencies already have up-to-date records and data available and responsive to many of the EPA requests. And yet the EPA has not adequately attempted to work with state agencies to develop less burdensome avenues to acquire much of the data sought. For other information sought in the Request, oil and gas producers are required to gather data and information that does not provide an environmental benefit.

The EPA's own estimates claim the industry cost of responding to the Request is about \$42 million: \$18 million to respond to the operator survey and \$24 million to respond to the more detailed facility survey, or between \$1,100 and \$5,800 for each company to respond to and complete the Request. Experience indicates that the true cost and burden is undoubtedly much higher and comes at a time when the oil and gas industry is recovering from its most significant economic downturn in decades. Many of the companies can ill-afford the time and expense to comply with yet another empty regulatory burden.

We hope that the burdensome Obama climate rules never see the light of day, which is why we ask that this Information Collection Request be suspended and withdrawn. At a minimum, we suggest that the EPA: (1) grant a 180-day extension for any required response; (2) take no enforcement against companies that do not respond; (3) allow companies to use "best estimate" data and information; and (4) work with state regulatory agencies to acquire pertinent and appropriate information.

We appreciate that the Administration has many priorities and that this request may require additional deliberation. Please consider an immediate suspension of the Information Collection Request pending internal review by the EPA concerning whether it should with the Request.

We appreciate your prompt consideration to this matter.

Hon. Scott Pruitt
Page 3

Sincerely,

Ken Paxton
Attorney General of Texas

[other States]

cc: Hon. Jeff Sessions, United States Attorney General

Alice Perry

From: Bobby Waites
Sent: Thursday, February 23, 2017 8:07 AM
To: Whitney Lipscomb
Cc: Alice Perry
Subject: Re: State AG letter to EPA regarding information request to oil and gas producers

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> 'Drew.Snyder@governor.ms.gov'; 'Whitney.Lipscomb@governor.ms.gov'; 'HPIZZ@ago.state.ms.us';
> 'Ryan.Bangert@ago.mo.gov'; 'John.Sauer@ago.mo.gov'; 'DaleS@mt.gov'; 'dave.bydalek@nebraska.gov';
> 'dave.lopez@nebraska.gov'; 'LVanDyke@ag.nv.gov'; 'jtartakovsky@ag.nv.gov'; 'Steven.Blankinship@state.nm.us';
> 'dbahr@nd.gov'; 'Eric.Murphy@ohioattorneygeneral.gov'; 'patrick.wyrick@oag.ok.gov';
> 'mithun.mansinghani@oag.ok.gov'; 'bcook@scag.gov'; 'ESmith@scag.gov'; 'sherri.wald@state.sd.us';
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> 'Thomas.M.JohnsonJr@wvago.gov'; 'tseytlinm@doj.state.wi.us'; 'walshr@doj.state.wi.us'; 'Breuerdm@doj.state.wi.us';
> 'john.knepper@wyo.gov'; hancock.fenton@maine.gov<mailto:hancock.fenton@maine.gov>
> Cc: Toth, Michael <Michael.Toth@oag.texas.gov<mailto:Michael.Toth@oag.texas.gov>>; Moody, Grace
> <Grace.Moody@oag.texas.gov<mailto:Grace.Moody@oag.texas.gov>>
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- >
- > Thank you.
- >
- > Brantley Starr
- > Deputy First Assistant Attorney General
- > 512-936-8160
- >
- > <Letter to EPA regarding information request v.3.docx>

Alice Perry

From: Alice Perry
Sent: Thursday, February 23, 2017 8:16 AM
To: Gary Rikard; Chris Wells
Subject: Fwd: State AG letter to EPA regarding information request to oil and gas producers

Sent from my iPhone

Begin forwarded message:

From: Bobby Waites <Bobby.Waites@governor.ms.gov>
Date: February 23, 2017 at 9:06:49 AM EST
To: Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov>
Cc: Alice Perry <Alice.Perry@governor.ms.gov>
Subject: Re: State AG letter to EPA regarding information request to oil and gas producers

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hancock.fenton@maine.gov<<mailto:hancock.fenton@maine.gov>>

Cc: Toth, Michael

<Michael.Toth@oag.texas.gov<<mailto:Michael.Toth@oag.texas.gov>>>; Moody,
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Deputy First Assistant Attorney General
512-936-8160

<Letter to EPA regarding information request v.3.docx>

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Alice Perry

From: Chris Wells <CWELLS@mdeq.ms.gov>
Sent: Thursday, February 23, 2017 10:10 AM
To: Alice Perry; Gary Rikard
Subject: RE: State AG letter to EPA regarding information request to oil and gas producers

I talked with Bobby a few minutes ago and told him that the bottom line for us is that we have had no direct involvement in the issuance of the information request – it is EPA's show – but that our understanding is that industry does have some concern about it, mainly from the burden aspect (responding will involve considerable time, effort and expense, particularly for small operations). I suggested that he hear from the Oil and Gas Industry on it.

This is the same information request that Ben Thompson asked me about several weeks ago. The angle he was coming from at the time was whether we had any advance notice of it or involvement in it. The answer was "no" – it surprised us also. I didn't dig into the issue much at that time, but it was pretty clear to me that the concern was mainly over the burden it would place on producers to have to respond.

Our understanding is that the information request is a follow up to the "Methane Rule," which was apparently a NSPS (emissions standards for new sources), with the next step being to develop emission standards for existing sources. The theory being that they will use the information collected through this request from existing sources to develop a new regulation applicable to those sources.

In that sense, the two seem to be related. In fact, the information request itself says that it is part of the overall Obama climate change agenda.

Having said that, according to staff that I talked to, this is not something that has been on our radar – meaning we haven't had people we regulate complaining to us about it.

Chris Wells
Chief of Staff
Mississippi Department of Environmental Quality
601-961-5545

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Cc: Toth, Michael

<Michael.Toth@oag.texas.gov><<mailto:Michael.Toth@oag.texas.gov>>>; Moody, Grace <Grace.Moody@oag.texas.gov><<mailto:Grace.Moody@oag.texas.gov>>>

Subject: State AG letter to EPA regarding information request to oil and gas producers

Colleagues,

We ask that you join a letter we plan to send to the EPA next Tuesday. The letter is regarding an onerous information request the EPA has sent every oil and gas producer that is tied to the Methane Rule (which a number of our States have filed suit on). Please let us know by COB Monday, February 27th if your State intends to join.

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We see two major problems with the request:

- 1) It depends on the validity of a rule 15 States are challenging, and
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We're happy to answer any questions you may have.

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Thank you.

Brantley Starr
Deputy First Assistant Attorney General
512-936-8160

<Letter to EPA regarding information request v.3.docx>

Alice Perry

From: Alice Perry
Sent: Thursday, February 23, 2017 8:20 AM
To: Bobby Waites
Cc: Whitney Lipscomb
Subject: Re: State AG letter to EPA regarding information request to oil and gas producers

No, he has not. I've sent to Gary Rikard. Have you heard from him yet? I've just landed in D.C. Will be available by cell phone & email.

Alice

Sent from my iPhone

> On Feb 23, 2017, at 9:06 AM, Bobby Waites <Bobby.Waites@governor.ms.gov> wrote:
>
> Status? Alice, has Governor been briefed? Probably need to decide whether to join letter today.
>
> Sent from my iPhone
>
>> On Feb 22, 2017, at 2:47 PM, Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov> wrote:
>>
>>
>> From: Starr, Brantley [mailto:Brantley.Starr@oag.texas.gov]
>> Sent: Tuesday, February 21, 2017 4:36 PM
>> To: 'abrasher@ago.state.al.us'; 'paul.watkins@azag.gov'; 'Dominic.Draye@azag.gov'; 'lee.rudofsky@arkansasag.gov';
>> 'nicholas.bronni@arkansasag.gov'; 'fred.yarger@coag.gov'; 'Amit.Agarwal@myfloridalegal.com';
>> 'Jordan.Pratt@myfloridalegal.com'; 'SWarren@law.ga.gov'; 'TButler@law.ga.gov'; 'Cally.Younger@gov.idaho.gov';
>> 'Tom.Fisher@atg.in.gov'; 'Larry.Johnson@iowa.gov'; 'Brant.Laue@ks.gov'; 'Jeff.Chanay@ag.ks.gov'; 'Steve.Pitt@ky.gov';
>> 'Chad.Meredith@ky.gov'; 'MurrillE@ag.louisiana.gov'; 'LindstromA@michigan.gov'; 'restucciae@michigan.gov';
>> 'Drew.Snyder@governor.ms.gov'; 'Whitney.Lipscomb@governor.ms.gov'; 'HPIZZ@ago.state.ms.us';
>> 'Ryan.Bangert@ago.mo.gov'; 'John.Sauer@ago.mo.gov'; 'DaleS@mt.gov'; 'dave.bydalek@nebraska.gov';
>> 'dave.lopez@nebraska.gov'; 'LVanDyke@ag.nv.gov'; 'jtartakovsky@ag.nv.gov'; 'Steven.Blankinship@state.nm.us';
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>> 'Thomas.M.JohnsonJr@wvago.gov'; 'tseytlinm@doj.state.wi.us'; 'walshr@doj.state.wi.us'; 'Breuerdm@doj.state.wi.us';
>> 'john.knepper@wyo.gov'; hancock.fenton@maine.gov<mailto:hancock.fenton@maine.gov>
>> Cc: Toth, Michael <Michael.Toth@oag.texas.gov<mailto:Michael.Toth@oag.texas.gov>>; Moody, Grace
>> <Grace.Moody@oag.texas.gov<mailto:Grace.Moody@oag.texas.gov>>
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>> Thank you.

>>

>> Brantley Starr

>> Deputy First Assistant Attorney General

>> 512-936-8160

>>

>> <Letter to EPA regarding information request v.3.docx>

Alice Perry

From: Whitney Lipscomb
Sent: Thursday, February 23, 2017 9:23 AM
To: Alice Perry
Cc: Bobby Waites
Subject: Re: State AG letter to EPA regarding information request to oil and gas producers

Let me know what Gary says and I will talk to the Governor today.

Sent from my iPhone

> On Feb 23, 2017, at 8:20 AM, Alice Perry <Alice.Perry@governor.ms.gov> wrote:

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> Sent from my iPhone

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>> Sent from my iPhone

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>>> On Feb 22, 2017, at 2:47 PM, Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov> wrote:

>>>

>>>

>>> From: Starr, Brantley [mailto:Brantley.Starr@oag.texas.gov]

>>> Sent: Tuesday, February 21, 2017 4:36 PM

>>> To: 'abrasher@ago.state.al.us'; 'paul.watkins@azag.gov'; 'Dominic.Draye@azag.gov';
'lee.rudofsky@arkansasag.gov'; 'nicholas.bronni@arkansasag.gov'; 'fred.yarger@coag.gov';
'Amit.Agarwal@myfloridalegal.com'; 'Jordan.Pratt@myfloridalegal.com'; 'SWarren@law.ga.gov'; 'TButler@law.ga.gov';
'Cally.Younger@gov.idaho.gov'; 'Tom.Fisher@atg.in.gov'; 'Larry.Johnson@iowa.gov'; 'Brant.Laue@ks.gov';
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'walshr@doj.state.wi.us'; 'Breuerdm@doj.state.wi.us'; 'john.knepper@wyo.gov';

hancock.fenton@maine.gov<mailto:hancock.fenton@maine.gov>

>>> Cc: Toth, Michael <Michael.Toth@oag.texas.gov<mailto:Michael.Toth@oag.texas.gov>>; Moody, Grace
<Grace.Moody@oag.texas.gov<mailto:Grace.Moody@oag.texas.gov>>

>>> Subject: State AG letter to EPA regarding information request to oil and gas producers

>>>

>>> Colleagues,

>>>

>>> We ask that you join a letter we plan to send to the EPA next Tuesday. The letter is regarding an onerous information request the EPA has sent every oil and gas producer that is tied to the Methane Rule (which a number of our States have filed suit on). Please let us know by COB Monday, February 27th if your State intends to join.

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>>> Thank you.

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>>> Brantley Starr

>>> Deputy First Assistant Attorney General

>>> 512-936-8160

>>>

>>> <Letter to EPA regarding information request v.3.docx>

Alice Perry

From: Alice Perry
Sent: Thursday, February 23, 2017 10:10 AM
To: Whitney Lipscomb
Cc: Bobby Waites
Subject: Re: State AG letter to EPA regarding information request to oil and gas producers

Chris Wells has information & will contact y'all, if he hasn't already.

Sent from my iPhone

> On Feb 23, 2017, at 10:22 AM, Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov> wrote:

>

> Let me know what Gary says and I will talk to the Governor today.

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> Sent from my iPhone

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>> On Feb 23, 2017, at 8:20 AM, Alice Perry <Alice.Perry@governor.ms.gov> wrote:

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>> Alice

>>

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>>> Sent from my iPhone

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>>>> On Feb 22, 2017, at 2:47 PM, Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov> wrote:

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>>>> Sent: Tuesday, February 21, 2017 4:36 PM

>>>> To: 'abrasher@ago.state.al.us'; 'paul.watkins@azag.gov'; 'Dominic.Draye@azag.gov';
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'walshr@doj.state.wi.us'; 'Breuerdm@doj.state.wi.us'; 'john.knepper@wyo.gov';
 hancock.fenton@maine.gov<mailto:hancock.fenton@maine.gov>
 >>>> Cc: Toth, Michael <Michael.Toth@oag.texas.gov<mailto:Michael.Toth@oag.texas.gov>>; Moody, Grace
 <Grace.Moody@oag.texas.gov<mailto:Grace.Moody@oag.texas.gov>>
 >>>> Subject: State AG letter to EPA regarding information request to oil and gas producers
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 >>>>
 >>>> Brantley Starr
 >>>> Deputy First Assistant Attorney General
 >>>> 512-936-8160
 >>>>
 >>>> <Letter to EPA regarding information request v.3.docx>

Alice Perry

From: Alice Perry
Sent: Thursday, February 23, 2017 12:19 PM
To: Whitney Lipscomb
Subject: Fwd: State AG letter to EPA regarding information request to oil and gas producers

Sent from my iPhone

Begin forwarded message:

From: Chris Wells <CWELLS@mdeq.ms.gov>
Date: February 23, 2017 at 11:09:57 AM EST
To: Alice Perry <Alice.Perry@governor.ms.gov>, Gary Rikard <GRikard@mdeq.ms.gov>
Subject: RE: State AG letter to EPA regarding information request to oil and gas producers

I talked with Bobby a few minutes ago and told him that the bottom line for us is that we have had no direct involvement in the issuance of the information request – it is EPA's show – but that our understanding is that industry does have some concern about it, mainly from the burden aspect (responding will involve considerable time, effort and expense, particularly for small operations). I suggested that he hear from the Oil and Gas Industry on it.

This is the same information request that Ben Thompson asked me about several weeks ago. The angle he was coming from at the time was whether we had any advance notice of it or involvement in it. The answer was "no" – it surprised us also. I didn't dig into the issue much at that time, but it was pretty clear to me that the concern was mainly over the burden it would place on producers to have to respond.

Our understanding is that the information request is a follow up to the "Methane Rule," which was apparently a NSPS (emissions standards for new sources), with the next step being to develop emission standards for existing sources. The theory being that they will use the information collected through this request from existing sources to develop a new regulation applicable to those sources.

In that sense, the two seem to be related. In fact, the information request itself says that it is part of the overall Obama climate change agenda.

Having said that, according to staff that I talked to, this is not something that has been on our radar – meaning we haven't had people we regulate complaining to us about it.

Chris Wells
Chief of Staff
Mississippi Department of Environmental Quality
601-961-5545

From: Alice Perry [<mailto:Alice.Perry@governor.ms.gov>]
Sent: Thursday, February 23, 2017 8:19 AM

To: Gary Rikard <GRikard@mdeq.ms.gov>; Chris Wells <CWELLS@mdeq.ms.gov>
Subject: Fwd: State AG letter to EPA regarding information request to oil and gas producers

Your thoughts on this? I just landed in DC. Would y'all reach out to Bobby Waites?

Sent from my iPhone

Begin forwarded message:

From: Bobby Waites <Bobby.Waites@governor.ms.gov>
Date: February 23, 2017 at 9:06:49 AM EST
To: Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov>
Cc: Alice Perry <Alice.Perry@governor.ms.gov>
Subject: Re: State AG letter to EPA regarding information request to oil and gas producers

Status? Alice, has Governor been briefed? Probably need to decide whether to join letter today.

Sent from my iPhone

On Feb 22, 2017, at 2:47 PM, Whitney Lipscomb
<Whitney.Lipscomb@governor.ms.gov> wrote:

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Sent: Tuesday, February 21, 2017 4:36 PM
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Cc: Toth, Michael
<Michael.Toth@oag.texas.gov<mailto:Michael.Toth@oag.texas.gov>>; Moody, Grace
<Grace.Moody@oag.texas.gov<mailto:Grace.Moody@oag.texas.gov>>

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Brantley Starr
Deputy First Assistant Attorney General
512-936-8160

<Letter to EPA regarding information request v.3.docx>

Alice Perry

From: Whitney Lipscomb
Sent: Thursday, February 23, 2017 4:51 PM
To: Alice Perry
Subject: FW: State AG letter to EPA regarding information request to oil and gas producers

FYI

From: Starr, Brantley [mailto:Brantley.Starr@oag.texas.gov]
Sent: Thursday, February 23, 2017 4:02 PM
To: Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov>
Cc: Drew Snyder <Drew.Snyder@governor.ms.gov>; Bobby Waites <Bobby.Waites@governor.ms.gov>
Subject: Re: State AG letter to EPA regarding information request to oil and gas producers

Excellent! An e signature would be great.

Thank you.

On Feb 23, 2017, at 3:55 PM, Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov> wrote:

Brantley,

Governor Phil Bryant of Mississippi would like to join. Do I need to send you an electronic signature?

Whitney H. Lipscomb
Counsel
Office of Governor Phil Bryant
P.O. Box 139
Jackson, MS 39205
(601) 576-2026
whitney.lipscomb@governor.ms.gov

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'TButler@law.ga.gov'; 'Cally.Younger@gov.idaho.gov'; 'Tom.Fisher@atg.in.gov';
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'Breuerdm@doj.state.wi.us'; 'john.knepper@wyo.gov'; 'hancock.fenton@maine.gov'
Cc: Toth, Michael <Michael.Toth@oag.texas.gov>; Moody, Grace <Grace.Moody@oag.texas.gov>
Subject: RE: State AG letter to EPA regarding information request to oil and gas producers

Wrong attachment. My apologies.

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To: 'abrasher@ago.state.al.us'; 'paul.watkins@azag.gov'; 'Dominic.Drave@azag.gov';
'lee.rudofsky@arkansasag.gov'; 'nicholas.bronni@arkansasag.gov'; 'fred.yarger@coag.gov';
'Amit.Agarwal@myfloridalegal.com'; 'Jordan.Pratt@myfloridalegal.com'; 'SWarren@law.ga.gov';
'TButler@law.ga.gov'; 'Cally.Younger@gov.idaho.gov'; 'Tom.Fisher@atg.in.gov';
'Larry.Johnson@iowa.gov'; 'Brant.Laue@ks.gov'; 'Jeff.Chanay@ag.ks.gov'; 'Steve.Plitt@ky.gov';
'Chad.Meredith@ky.gov'; 'MurrillE@ag.louisiana.gov'; 'LindstromA@michigan.gov';
'restucciae@michigan.gov'; 'Drew.Snyder@governor.ms.gov'; 'Whitney.Lipscomb@governor.ms.gov';
'HPIZZ@ago.state.ms.us'; 'Ryan.Bangert@ago.mo.gov'; 'John.Sauer@ago.mo.gov'; 'DaleS@mt.gov';
'dave.bydalek@nebraska.gov'; 'dave.lopez@nebraska.gov'; 'LVanDyke@ag.nv.gov';
'itartakovsky@ag.nv.gov'; 'Steven.Blankinship@state.nm.us'; 'dbahr@nd.gov';
'Eric.Murphy@ohioattorneygeneral.gov'; 'patrick.wyrick@oag.ok.gov';
'mithun.mansinghani@oag.ok.gov'; 'bcook@scag.gov'; 'ESmith@scag.gov'; 'sherri.wald@state.sd.us';
'Andree.Blumstein@ag.tn.gov'; 'tylergreen@utah.gov'; 'pdouglas@utah.gov'; 'Elbert.Lin@wvago.gov';
'Thomas.M.JohnsonJr@wvago.gov'; 'tseytlinm@doj.state.wi.us'; 'walshr@doj.state.wi.us';
'Breuerdm@doj.state.wi.us'; 'john.knepper@wyo.gov'; 'hancock.fenton@maine.gov'
<hancock.fenton@maine.gov>

Cc: Toth, Michael <Michael.Toth@oag.texas.gov>; Moody, Grace <Grace.Moody@oag.texas.gov>

Subject: State AG letter to EPA regarding information request to oil and gas producers

Colleagues,

We ask that you join a letter we plan to send to the EPA next Tuesday. The letter is regarding an onerous information request the EPA has sent every oil and gas producer that is tied to the Methane Rule (which a number of our States have filed suit on). **Please let us know by COB Monday, February 27th if your State intends to join.**

The following States have filed suit over the Methane Rule: Alabama, Arizona, Kansas, Kentucky, Louisiana, Michigan, Montana, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Texas, West Virginia, and Wisconsin.

Starting last November, the EPA began asking oil and gas producers for data pursuant to the rule under its authority to collect information. That collection request is here:

<https://www.epa.gov/sites/production/files/2016-11/documents/oil-natural-gas-icr-supporting-statement-epa-icr-2548-01.pdf>.

We see two major problems with the request:

- 1) It depends on the validity of a rule 15 States are challenging, and
- 2) It is exceedingly burdensome for producers to comply with.

We're happy to answer any questions you may have.

Note on open records: Under Texas's expansive open records law, communications relating to anticipated or pending litigation with others are privileged so long as recipients do not join the adverse side of the litigation. Thus, we are only sharing this draft with States that did or have considered joining suits against the Methane Rule.

Thank you.

Brantley Starr
Deputy First Assistant Attorney General
512-936-8160

Alice Perry

From: Drew Snyder
Sent: Thursday, March 02, 2017 5:59 PM
To: Whitney Lipscomb; Alice Perry
Subject: FW: EPA Withdraws Information Request

Did we actually sign the letter? Ben Thompson asked for a copy when we did.

-----Original Message-----

From: Murrill, Elizabeth [mailto:MurrillE@ag.louisiana.gov]
Sent: Thursday, March 02, 2017 5:15 PM
To: Toth, Michael <Michael.Toth@oag.texas.gov>
Cc: abrasher@ago.state.al.us <'abrasher@ago.state.al.us'>; paul.watkins@azag.gov <'paul.watkins@azag.gov'>; Dominic.Draye@azag.gov <'Dominic.Draye@azag.gov'>; Tom.Fisher@atg.in.gov <'Tom.Fisher@atg.in.gov'>; Brant.Laue@ks.gov <'Brant.Laue@ks.gov'>; Jeff.Chanay@ag.ks.gov <'Jeff.Chanay@ag.ks.gov'>; Steve.Pitt@ky.gov <'Steve.Pitt@ky.gov'>; Chad.Meredith@ky.gov <'Chad.Meredith@ky.gov'>; MurrillE@ag.louisiana.gov <'MurrillE@ag.louisiana.gov'>; Drew.Snyder@governor.ms.gov <'Drew.Snyder@governor.ms.gov'>; Whitney.Lipscomb@governor.ms.gov <'Whitney.Lipscomb@governor.ms.gov'>; HPIZZ@ago.state.ms.us <'HPIZZ@ago.state.ms.us'>; DaleS@mt.gov <'DaleS@mt.gov'>; mithun.mansinghani@oag.ok.gov <'mithun.mansinghani@oag.ok.gov'>; bcook@scag.gov <'bcook@scag.gov'>; ESmith@scag.gov <'ESmith@scag.gov'>; Elbert.Lin@wvago.gov <'Elbert.Lin@wvago.gov'>; Thomas.M.JohnsonJr@wvago.gov <'Thomas.M.JohnsonJr@wvago.gov'>; Mateer, Jeff <Jeff.Mateer@oag.texas.gov>; Starr, Brantley <Brantley.Starr@oag.texas.gov>; Moody, Grace <Grace.Moody@oag.texas.gov>
Subject: Re: EPA Withdraws Information Request

Thanks very much.
Liz

Sent from my iPhone

On Mar 2, 2017, at 4:57 PM, Toth, Michael <Michael.Toth@oag.texas.gov<mailto:Michael.Toth@oag.texas.gov>> wrote:

Colleagues,

I am pleased to report that, in response to the letter that you joined, the EPA has withdrawn its request for information directed at the oil and natural gas industry. It has been a great honor to work with you and your States on this important issue. My colleagues and I very much look forward to engaging with each of you in the future. A link to the EPA news release is copied below.

<https://www.epa.gov/newsreleases/epa-withdraws-information-request-oil-and-gas-industry>

Very respectfully yours,

Michael Toth
Special Counsel to the First Assistant Attorney General
209 W. 14th Street (Mail Code 001)
8th Floor
Austin, TX 78701
(512) 936-0631

<image001.jpg>

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Alice Perry

From: Whitney Lipscomb
Sent: Thursday, March 02, 2017 6:05 PM
To: Drew Snyder; Alice Perry
Subject: RE: EPA Withdraws Information Request
Attachments: EPA Letter - Final.pdf

-----Original Message-----

From: Drew Snyder
Sent: Thursday, March 02, 2017 5:59 PM
To: Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov>; Alice Perry <Alice.Perry@governor.ms.gov>
Subject: FW: EPA Withdraws Information Request

Did we actually sign the letter? Ben Thompson asked for a copy when we did.

-----Original Message-----

From: Murrill, Elizabeth [mailto:MurrillE@ag.louisiana.gov]
Sent: Thursday, March 02, 2017 5:15 PM
To: Toth, Michael <Michael.Toth@oag.texas.gov>
Cc: abrasher@ago.state.al.us <'abrasher@ago.state.al.us'>; paul.watkins@azag.gov <'paul.watkins@azag.gov'>; Dominic.Draye@azag.gov <'Dominic.Draye@azag.gov'>; Tom.Fisher@atg.in.gov <'Tom.Fisher@atg.in.gov'>; Brant.Laue@ks.gov <'Brant.Laue@ks.gov'>; Jeff.Chanay@ag.ks.gov <'Jeff.Chanay@ag.ks.gov'>; Steve.Pitt@ky.gov <'Steve.Pitt@ky.gov'>; Chad.Meredith@ky.gov <'Chad.Meredith@ky.gov'>; MurrillE@ag.louisiana.gov <'MurrillE@ag.louisiana.gov'>; Drew.Snyder@governor.ms.gov <'Drew.Snyder@governor.ms.gov'>; Whitney.Lipscomb@governor.ms.gov <'Whitney.Lipscomb@governor.ms.gov'>; HPIZZ@ago.state.ms.us <'HPIZZ@ago.state.ms.us'>; DaleS@mt.gov <'DaleS@mt.gov'>; mithun.mansinghani@oag.ok.gov <'mithun.mansinghani@oag.ok.gov'>; bcook@scag.gov <'bcook@scag.gov'>; ESmith@scag.gov <'ESmith@scag.gov'>; Elbert.Lin@wvago.gov <'Elbert.Lin@wvago.gov'>; Thomas.M.JohnsonJr@wvago.gov <'Thomas.M.JohnsonJr@wvago.gov'>; Mateer, Jeff <Jeff.Mateer@oag.texas.gov>; Starr, Brantley <Brantley.Starr@oag.texas.gov>; Moody, Grace <Grace.Moody@oag.texas.gov>
Subject: Re: EPA Withdraws Information Request

Thanks very much.

Liz

Sent from my iPhone

On Mar 2, 2017, at 4:57 PM, Toth, Michael <Michael.Toth@oag.texas.gov<mailto:Michael.Toth@oag.texas.gov>> wrote:

Colleagues,

I am pleased to report that, in response to the letter that you joined, the EPA has withdrawn its request for information directed at the oil and natural gas industry. It has been a great honor to work with you and your States on this important issue. My colleagues and I very much look forward to engaging with each of you in the future. A link to the EPA news release is copied below.

<https://www.epa.gov/newsreleases/epa-withdraws-information-request-oil-and-gas-industry>

Very respectfully yours,

Michael Toth
Special Counsel to the First Assistant Attorney General
209 W. 14th Street (Mail Code 001)
8th Floor
Austin, TX 78701
(512) 936-0631

<image001.jpg>

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Bobby Waites

From: Whitney Lipscomb
Sent: Wednesday, February 22, 2017 2:48 PM
To: Bobby Waites
Subject: FW: State AG letter to EPA regarding information request to oil and gas producers
Attachments: Letter to EPA regarding information request v.3.docx

From: Starr, Brantley [mailto:Brantley.Starr@oag.texas.gov]

Sent: Tuesday, February 21, 2017 4:36 PM

To: 'abrasher@ago.state.al.us'; 'paul.watkins@azag.gov'; 'Dominic.Draye@azag.gov'; 'lee.rudofsky@arkansasag.gov'; 'nicholas.bronni@arkansasag.gov'; 'fred.yarger@coag.gov'; 'Amit.Agarwal@myfloridalegal.com'; 'Jordan.Pratt@myfloridalegal.com'; 'SWarren@law.ga.gov'; 'TButler@law.ga.gov'; 'Cally.Younger@gov.idaho.gov'; 'Tom.Fisher@atg.in.gov'; 'Larry.Johnson@iowa.gov'; 'Brant.Laue@ks.gov'; 'Jeff.Chanay@ag.ks.gov'; 'Steve.Pitt@ky.gov'; 'Chad.Meredith@ky.gov'; 'MurrillE@ag.louisiana.gov'; 'LindstromA@michigan.gov'; 'restucciae@michigan.gov'; 'Drew.Snyder@governor.ms.gov'; 'Whitney.Lipscomb@governor.ms.gov'; 'HPIZZ@ago.state.ms.us'; 'Ryan.Bangert@ago.mo.gov'; 'John.Sauer@ago.mo.gov'; 'DaleS@mt.gov'; 'dave.bydalek@nebraska.gov'; 'dave.lopez@nebraska.gov'; 'LVanDyke@ag.nv.gov'; 'jtartakovsky@ag.nv.gov'; 'Steven.Blankinship@state.nm.us'; 'dbahr@nd.gov'; 'Eric.Murphy@ohioattorneygeneral.gov'; 'patrick.wyrick@oag.ok.gov'; 'mithun.mansinghani@oag.ok.gov'; 'bcook@scag.gov'; 'ESmith@scag.gov'; 'sherri.wald@state.sd.us'; 'Andree.Blumstein@ag.tn.gov'; 'tylergreen@utah.gov'; 'pdouglas@utah.gov'; 'Elbert.Lin@wvago.gov'; 'Thomas.M.JohnsonJr@wvago.gov'; 'tseytlinm@doj.state.wi.us'; 'walshr@doj.state.wi.us'; 'Breuerdm@doj.state.wi.us'; 'john.knepper@wyo.gov'; 'hancock.fenton@maine.gov'

Cc: Toth, Michael <Michael.Toth@oag.texas.gov>; Moody, Grace <Grace.Moody@oag.texas.gov>

Subject: State AG letter to EPA regarding information request to oil and gas producers

Colleagues,

We ask that you join a letter we plan to send to the EPA next Tuesday. The letter is regarding an onerous information request the EPA has sent every oil and gas producer that is tied to the Methane Rule (which a number of our States have filed suit on). **Please let us know by COB Monday, February 27th if your State intends to join.**

The following States have filed suit over the Methane Rule: Alabama, Arizona, Kansas, Kentucky, Louisiana, Michigan, Montana, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Texas, West Virginia, and Wisconsin.

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We see two major problems with the request:

- 1) It depends on the validity of a rule 15 States are challenging, and
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We're happy to answer any questions you may have.

Note on open records: Under Texas's expansive open records law, communications relating to anticipated or pending litigation with others are privileged so long as recipients do not join the adverse side of the litigation. Thus, we are only sharing this draft with States that did or have considered joining suits against the Methane Rule.

Thank you.

Brantley Starr
Deputy First Assistant Attorney General
512-936-8160

Bobby Waites

From: Alice Perry
Sent: Saturday, February 18, 2017 2:28 PM
To: Bobby Waites
Subject: Kimberley A. Strassel: Scott Pruitt's Back-to-Basics Agenda for the EPA - The Wall Street Journal.

I thought you would be interested in the following story from The Wall Street Journal.

Kimberley A. Strassel: Scott Pruitt's Back-to-Basics Agenda for the EPA

<https://www.wsj.com/articles/scott-pruitts-back-to-basics-agenda-for-the-epa-1487375872>

Download the Wall Street Journal app here: [WSJ](#).

Sent from my iPhone

Whitney Lipscomb

From: Bobby Waites
Sent: Thursday, March 02, 2017 6:17 PM
To: Whitney Lipscomb
Cc: Joey Songy; Alice Perry; Drew Snyder
Subject: Re: EPA Withdraws Information Request

Good.

Sent from my iPhone

On Mar 2, 2017, at 5:20 PM, Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov> wrote:

FYI

From: Toth, Michael [<mailto:Michael.Toth@oag.texas.gov>]
Sent: Thursday, March 02, 2017 4:57 PM
To: 'abrasher@ago.state.al.us'; 'paul.watkins@azag.gov'; 'Dominic.Draye@azag.gov'; 'Tom.Fisher@atg.in.gov'; 'Brant.Laue@ks.gov'; 'Jeff.Chanay@ag.ks.gov'; 'Steve.Pitt@ky.gov'; 'Chad.Meredith@ky.gov'; 'MurrillE@ag.louisiana.gov'; 'Drew.Snyder@governor.ms.gov'; 'Whitney.Lipscomb@governor.ms.gov'; 'HPIZZ@ago.state.ms.us'; 'DaleS@mt.gov'; 'mithun.mansinghani@oag.ok.gov'; 'bcook@scag.gov'; 'ESmith@scag.gov'; 'Elbert.Lin@wvago.gov'; 'Thomas.M.JohnsonJr@wvago.gov'
Cc: Mateer, Jeff <Jeff.Mateer@oag.texas.gov>; Starr, Brantley <Brantley.Starr@oag.texas.gov>; Moody, Grace <Grace.Moody@oag.texas.gov>
Subject: EPA Withdraws Information Request

Colleagues,

I am pleased to report that, in response to the letter that you joined, the EPA has withdrawn its request for information directed at the oil and natural gas industry. It has been a great honor to work with you and your States on this important issue. My colleagues and I very much look forward to engaging with each of you in the future. A link to the EPA news release is copied below.

<https://www.epa.gov/newsreleases/epa-withdraws-information-request-oil-and-gas-industry>

Very respectfully yours,

Michael Toth
Special Counsel to the First Assistant Attorney General
209 W. 14th Street (Mail Code 001)
8th Floor
Austin, TX 78701
(512) 936-0631

<image001.jpg>

Whitney Lipscomb

From: Whitney Lipscomb
Sent: Thursday, March 02, 2017 5:35 PM
To: 'Toth, Michael'
Subject: RE: EPA Withdraws Information Request

Thank you for giving us the opportunity to join in on this.

Whitney H. Lipscomb
Counsel
Office of Governor Phil Bryant
P.O. Box 139
Jackson, MS 39205
(601) 576-2026
whitney.lipscomb@governor.ms.gov

From: Toth, Michael [mailto:Michael.Toth@oag.texas.gov]
Sent: Thursday, March 02, 2017 4:57 PM
To: 'abrasher@ago.state.al.us'; 'paul.watkins@azag.gov'; 'Dominic.Draye@azag.gov'; 'Tom.Fisher@atg.in.gov'; 'Brant.Laue@ks.gov'; 'Jeff.Chanay@ag.ks.gov'; 'Steve.Pitt@ky.gov'; 'Chad.Meredith@ky.gov'; 'MurrillE@ag.louisiana.gov'; 'Drew.Snyder@governor.ms.gov'; 'Whitney.Lipscomb@governor.ms.gov'; 'HPIZZ@ago.state.ms.us'; 'DaleS@mt.gov'; 'mithun.mansinghani@oag.ok.gov'; 'bcook@scag.gov'; 'ESmith@scag.gov'; 'Elbert.Lin@wvago.gov'; 'Thomas.M.JohnsonJr@wvago.gov'
Cc: Mateer, Jeff <Jeff.Mateer@oag.texas.gov>; Starr, Brantley <Brantley.Starr@oag.texas.gov>; Moody, Grace <Grace.Moody@oag.texas.gov>
Subject: EPA Withdraws Information Request

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Very respectfully yours,

Michael Toth
Special Counsel to the First Assistant Attorney General
209 W. 14th Street (Mail Code 001)
8th Floor
Austin, TX 78701
(512) 936-0631



KEN PAXTON
GOVERNOR OF MASSACHUSETTS

Whitney Lipscomb

From: Murrill, Elizabeth <MurrillE@ag.louisiana.gov>
Sent: Thursday, March 02, 2017 5:15 PM
To: Toth, Michael
Cc: abrasher@ago.state.al.us; paul.watkins@azag.gov; Dominic.Draye@azag.gov; Tom.Fisher@atg.in.gov; Brant.Laue@ks.gov; Jeff.Chanay@ag.ks.gov; Steve.Pitt@ky.gov; Chad.Meredith@ky.gov; MurrillE@ag.louisiana.gov; Drew.Snyder@governor.ms.gov; Whitney.Lipscomb@governor.ms.gov; HPIZZ@ago.state.ms.us; DaleS@mt.gov; mithun.mansinghani@oag.ok.gov; bcook@scag.gov; ESmith@scag.gov; Elbert.Lin@wvago.gov; Thomas.M.JohnsonJr@wvago.gov; Mateer, Jeff; Starr, Brantley; Moody, Grace
Subject: Re: EPA Withdraws Information Request

Thanks very much.
Liz

Sent from my iPhone

On Mar 2, 2017, at 4:57 PM, Toth, Michael <Michael.Toth@oag.texas.gov<mailto:Michael.Toth@oag.texas.gov>> wrote:

Colleagues,

I am pleased to report that, in response to the letter that you joined, the EPA has withdrawn its request for information directed at the oil and natural gas industry. It has been a great honor to work with you and your States on this important issue. My colleagues and I very much look forward to engaging with each of you in the future. A link to the EPA news release is copied below.

<https://www.epa.gov/newsreleases/epa-withdraws-information-request-oil-and-gas-industry>

Very respectfully yours,

Michael Toth
Special Counsel to the First Assistant Attorney General
209 W. 14th Street (Mail Code 001)
8th Floor
Austin, TX 78701
(512) 936-0631

<image001.jpg>

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Whitney Lipscomb

From: Whitney Lipscomb
Sent: Wednesday, March 01, 2017 7:19 PM
To: Clay Chandler
Subject: FW: State AG letter to EPA regarding information request to oil and gas producers
Attachments: 2017-03-01 EPA Letter release.docx; EPA Letter - Final.pdf

FYI

From: Starr, Brantley [mailto:Brantley.Starr@oag.texas.gov]
Sent: Wednesday, March 01, 2017 11:27 AM
To: 'abrasher@ago.state.al.us'; 'paul.watkins@azag.gov'; 'Dominic.Draye@azag.gov'; 'lee.rudofsky@arkansasag.gov'; 'nicholas.bronni@arkansasag.gov'; 'Brant.Laue@ks.gov'; 'Jeff.Chanay@ag.ks.gov'; 'Steve.Pitt@ky.gov'; 'Chad.Meredith@ky.gov'; 'MurrillE@ag.louisiana.gov'; 'Drew.Snyder@governor.ms.gov'; 'Whitney.Lipscomb@governor.ms.gov'; 'HPIZZ@ago.state.ms.us'; 'DaleS@mt.gov'; 'bcook@scag.gov'; 'ESmith@scag.gov'; 'Elbert.Lin@wvago.gov'; 'Thomas.M.JohnsonJr@wvago.gov'
Cc: Moody, Grace <Grace.Moody@oag.texas.gov>; Toth, Michael <Michael.Toth@oag.texas.gov>
Subject: RE: State AG letter to EPA regarding information request to oil and gas producers

All,

Attached are the final letter sent to the EPA today as well as the press release we are issuing now. Feel free to dupe and revise if you wish.

Thank you.

Brantley

From: Toth, Michael
Sent: Monday, February 27, 2017 2:39 PM
To: Starr, Brantley <Brantley.Starr@oag.texas.gov>; 'abrasher@ago.state.al.us'; 'paul.watkins@azag.gov'; 'Dominic.Draye@azag.gov'; 'lee.rudofsky@arkansasag.gov'; 'nicholas.bronni@arkansasag.gov'; 'fred.yarger@coag.gov'; 'Amit.Agarwal@myfloridalegal.com'; 'Jordan.Pratt@myfloridalegal.com'; 'SWarren@law.ga.gov'; 'TButler@law.ga.gov'; 'Cally.Younger@gov.idaho.gov'; 'Tom.Fisher@atg.in.gov'; 'Larry.Johnson@iowa.gov'; 'Brant.Laue@ks.gov'; 'Jeff.Chanay@ag.ks.gov'; 'Steve.Pitt@ky.gov'; 'Chad.Meredith@ky.gov'; 'MurrillE@ag.louisiana.gov'; 'LindstromA@michigan.gov'; 'restucciae@michigan.gov'; 'Drew.Snyder@governor.ms.gov'; 'Whitney.Lipscomb@governor.ms.gov'; 'HPIZZ@ago.state.ms.us'; 'Ryan.Bangert@ago.mo.gov'; 'John.Sauer@ago.mo.gov'; 'DaleS@mt.gov'; 'dave.bydalek@nebraska.gov'; 'dave.lopez@nebraska.gov'; 'LVanDyke@ag.nv.gov'; 'jtartakovsky@ag.nv.gov'; 'Steven.Blankinship@state.nm.us'; 'dbahr@nd.gov'; 'Eric.Murphy@ohioattorneygeneral.gov'; 'patrick.wyrick@oag.ok.gov'; 'mithun.mansinghani@oag.ok.gov'; 'bcook@scag.gov'; 'ESmith@scag.gov'; 'sherri.wald@state.sd.us'; 'Andree.Blumstein@ag.tn.gov'; 'tylergreen@utah.gov'; 'pdouglas@utah.gov'; 'Elbert.Lin@wvago.gov'; 'Thomas.M.JohnsonJr@wvago.gov'; 'tseytlinm@doj.state.wi.us'; 'walshr@doj.state.wi.us'; 'Breuerdm@doj.state.wi.us'; 'john.knepper@wyo.gov'; 'hancock.fenton@maine.gov'
Cc: Moody, Grace <Grace.Moody@oag.texas.gov>
Subject: RE: State AG letter to EPA regarding information request to oil and gas producers

Dear Colleagues,

Just one final reminder that the deadline is COB today to join the letter to the EPA regarding the onerous information request in connection with the Methane Rule.

We are delighted to report that the following States have already agreed to join: Alabama, Kansas, Kentucky, Louisiana, Mississippi, Oklahoma, and South Carolina. The latest version of the letter, which does *not* include the final signature block indicating the joiners, is attached.

Very respectfully yours,

Michael Toth
Special Counsel to the First Assistant Attorney General
209 W. 14th Street (Mail Code 001)
8th Floor
Austin, TX 78701
(512) 936-0631



KEN PAXTON
GOVERNOR OF TEXAS

From: Starr, Brantley

Sent: Tuesday, February 21, 2017 4:36 PM

To: 'abrasher@ago.state.al.us'; 'paul.watkins@azag.gov'; 'Dominic.Draye@azag.gov'; 'lee.rudofsky@arkansasag.gov'; 'nicholas.bronni@arkansasag.gov'; 'fred.yarger@coag.gov'; 'Amit.Agarwal@myfloridalegal.com'; 'Jordan.Pratt@myfloridalegal.com'; 'SWarren@law.ga.gov'; 'TButler@law.ga.gov'; 'Cally.Younger@gov.idaho.gov'; 'Tom.Fisher@atg.in.gov'; 'Larry.Johnson@iowa.gov'; 'Brant.Laue@ks.gov'; 'Jeff.Chanay@ag.ks.gov'; 'Steve.Pitt@ky.gov'; 'Chad.Meredith@ky.gov'; 'MurrillE@ag.louisiana.gov'; 'LindstromA@michigan.gov'; 'restucciae@michigan.gov'; 'Drew.Snyder@governor.ms.gov'; 'Whitney.Lipscomb@governor.ms.gov'; 'HPIZZ@ago.state.ms.us'; 'Ryan.Bangert@ago.mo.gov'; 'John.Sauer@ago.mo.gov'; 'DaleS@mt.gov'; 'dave.bydalek@nebraska.gov'; 'dave.lopez@nebraska.gov'; 'LVanDyke@ag.nv.gov'; 'jtartakovsky@ag.nv.gov'; 'Steven.Blankinship@state.nm.us'; 'dbahr@nd.gov'; 'Eric.Murphy@ohioattorneygeneral.gov'; 'patrick.wyrick@oag.ok.gov'; 'mithun.mansinghani@oag.ok.gov'; 'bcook@scag.gov'; 'ESmith@scag.gov'; 'sherri.wald@state.sd.us'; 'Andree.Blumstein@ag.tn.gov'; 'tylergreen@utah.gov'; 'pdouglas@utah.gov'; 'Elbert.Lin@wvago.gov'; 'Thomas.M.JohnsonJr@wvago.gov'; 'tseytlinm@doj.state.wi.us'; 'walshr@doj.state.wi.us'; 'Breuerdm@doj.state.wi.us'; 'john.knepper@wyo.gov'; hancock.fenton@maine.gov

Cc: Toth, Michael <Michael.Toth@oag.texas.gov>; Moody, Grace <Grace.Moody@oag.texas.gov>

Subject: State AG letter to EPA regarding information request to oil and gas producers

Colleagues,

We ask that you join a letter we plan to send to the EPA next Tuesday. The letter is regarding an onerous information request the EPA has sent every oil and gas producer that is tied to the Methane Rule (which a number of our States have filed suit on). **Please let us know by COB Monday, February 27th if your State intends to join.**

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Thank you.

Brantley Starr
Deputy First Assistant Attorney General
512-936-8160

Whitney Lipscomb

From: Starr, Brantley <Brantley.Starr@oag.texas.gov>
Sent: Thursday, February 23, 2017 4:57 PM
To: Whitney Lipscomb
Subject: Re: State AG letter to EPA regarding information request to oil and gas producers

Very good. Thank you Whitney.

On Feb 23, 2017, at 4:11 PM, Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov> wrote:

See if this will work.

From: Starr, Brantley [<mailto:Brantley.Starr@oag.texas.gov>]
Sent: Thursday, February 23, 2017 4:02 PM
To: Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov>
Cc: Drew Snyder <Drew.Snyder@governor.ms.gov>; Bobby Waites <Bobby.Waites@governor.ms.gov>
Subject: Re: State AG letter to EPA regarding information request to oil and gas producers

Excellent! An e signature would be great.

Thank you.

On Feb 23, 2017, at 3:55 PM, Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov> wrote:

Brantley,

Governor Phil Bryant of Mississippi would like to join. Do I need to send you an electronic signature?

Whitney H. Lipscomb
Counsel
Office of Governor Phil Bryant
P.O. Box 139
Jackson, MS 39205
(601) 576-2026
whitney.lipscomb@governor.ms.gov

From: Starr, Brantley [<mailto:Brantley.Starr@oag.texas.gov>]
Sent: Tuesday, February 21, 2017 4:39 PM
To: 'abrasher@ago.state.al.us'; 'paul.watkins@azag.gov'; 'Dominic.Draye@azag.gov'; 'lee.rudofsky@arkansasag.gov'; 'nicholas.bronni@arkansasag.gov'; 'fred.yarger@coag.gov'; 'Amit.Agarwal@myfloridalegal.com'; 'Jordan.Pratt@myfloridalegal.com'; 'SWarren@law.ga.gov'; 'TButler@law.ga.gov'; 'Cally.Younger@gov.idaho.gov'; 'Tom.Fisher@atg.in.gov'; 'Larry.Johnson@iowa.gov'; 'Brant.Laue@ks.gov'; 'Jeff.Chanay@ag.ks.gov'; 'Steve.Pitt@ky.gov'; 'Chad.Meredith@ky.gov'; 'MurrillE@ag.louisiana.gov'; 'LindstromA@michigan.gov';

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'john.knepper@wyo.gov'; hancock.fenton@maine.gov

Cc: Toth, Michael <Michael.Toth@oag.texas.gov>; Moody, Grace
<Grace.Moody@oag.texas.gov>

Subject: RE: State AG letter to EPA regarding information request to oil and gas producers

Wrong attachment. My apologies.

From: Starr, Brantley

Sent: Tuesday, February 21, 2017 4:36 PM

To: 'abrasher@ago.state.al.us'; 'paul.watkins@azag.gov'; 'Dominic.Drave@azag.gov';
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'tseytlinm@doj.state.wi.us'; 'walshr@doj.state.wi.us'; 'Breuerdm@doj.state.wi.us';
'john.knepper@wyo.gov'; 'hancock.fenton@maine.gov' <hancock.fenton@maine.gov>
Cc: Toth, Michael <Michael.Toth@oag.texas.gov>; Moody, Grace
<Grace.Moody@oag.texas.gov>

Subject: State AG letter to EPA regarding information request to oil and gas producers

Colleagues,

We ask that you join a letter we plan to send to the EPA next Tuesday. The letter is regarding an onerous information request the EPA has sent every oil and gas producer that is tied to the Methane Rule (which a number of our States have filed suit on). Please let us know by **COB Monday, February 27th** if your State intends to join.

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Thank you.

Brantley Starr
Deputy First Assistant Attorney General
512-936-8160

<Phil's signature.docx>

Whitney Lipscomb

From: Starr, Brantley <Brantley.Starr@oag.texas.gov>
Sent: Wednesday, March 01, 2017 11:27 AM
To: 'abrasher@ago.state.al.us'; 'paul.watkins@azag.gov'; 'Dominic.Draye@azag.gov';
'lee.rudofsky@arkansasag.gov'; 'nicholas.bronni@arkansasag.gov'; 'Brant.Laue@ks.gov';
'Jeff.Chanay@ag.ks.gov'; 'Steve.Pitt@ky.gov'; 'Chad.Meredith@ky.gov';
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'bcook@scag.gov'; 'ESmith@scag.gov'; 'Elbert.Lin@wvago.gov';
'Thomas.M.JohnsonJr@wvago.gov'
Cc: Moody, Grace; Toth, Michael
Subject: RE: State AG letter to EPA regarding information request to oil and gas producers
Attachments: 2017-03-01 EPA Letter release.docx; EPA Letter - Final.pdf

All,

Attached are the final letter sent to the EPA today as well as the press release we are issuing now. Feel free to dupe and revise if you wish.

Thank you.

Brantley

From: Toth, Michael
Sent: Monday, February 27, 2017 2:39 PM
To: Starr, Brantley <Brantley.Starr@oag.texas.gov>; 'abrasher@ago.state.al.us'; 'paul.watkins@azag.gov';
'Dominic.Draye@azag.gov'; 'lee.rudofsky@arkansasag.gov'; 'nicholas.bronni@arkansasag.gov'; 'fred.yarger@coag.gov';
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Cc: Moody, Grace <Grace.Moody@oag.texas.gov>
Subject: RE: State AG letter to EPA regarding information request to oil and gas producers

Dear Colleagues,

Just one final reminder that the deadline is COB today to join the letter to the EPA regarding the onerous information request in connection with the Methane Rule.

We are delighted to report that the following States have already agreed to join: Alabama, Kansas, Kentucky, Louisiana, Mississippi, Oklahoma, and South Carolina. The latest version of the letter, which does *not* include the final signature block indicating the joiners, is attached.

Very respectfully yours,

Michael Toth
Special Counsel to the First Assistant Attorney General
209 W. 14th Street (Mail Code 001)
8th Floor
Austin, TX 78701
(512) 936-0631



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

From: Starr, Brantley

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Thank you.

Brantley Starr
Deputy First Assistant Attorney General
512-936-8160



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

FOR IMMEDIATE RELEASE

March 1, 2017

www.texasattorneygeneral.gov

PRESS OFFICE: (512) 463-2050

Kayleigh Lovvorn: Kayleigh.Lovvorn@oag.texas.gov

AG Paxton: Texas Leads 11-State Coalition Urging the EPA to Suspend Information Requests Made by Obama Administration

AUSTIN – Texas Attorney General Ken Paxton today led an 11-state coalition in signing a letter urging the U.S. Environmental Protection Agency (EPA) to suspend and withdraw the current information collection request for existing oil and gas facilities.

The EPA previously issued its Methane Rule, which unlawfully attempted to regulate methane before the EPA made the required statutory finding of endangerment. A number of states have filed suit on the unlawful Methane Rule. Despite those pending lawsuits, the Obama-era EPA went even further by demanding information from oil and gas producers in November that relates to the unlawful Methane Rule.

The letter to the current administrator of the EPA explains how even the EPA itself estimates the industry cost of responding to the Obama-era unlawful request would total about \$42 million.

“Many companies involved with this request cannot afford the time and expense of complying with an empty, heavily regulatory burden. The information request puts strain on these companies—and all for the purpose of supporting an unlawful rule,” Attorney General Paxton said. “The EPA’s request, directed only to oil and gas producers, is clearly more harassment than an actual search for pertinent information. We sincerely hope that the era of regulatory harassment is over and the era of common sense regulation can begin.”

The States joined with Texas on the letter are: Alabama, Arizona, Kansas, Kentucky, Louisiana, Mississippi (through its governor), Montana, Oklahoma, South Carolina and West Virginia.

To view a copy of the letter, click here: [x](#)

###

Connect with us: Follow us on Twitter at @TXAG • Find us on Facebook at TexasAttorneyGeneral

Please DO NOT REPLY to this message. It comes from an un-monitored mailbox. If you have any questions regarding this announcement, please contact the Attorney General’s Press Office at (512) 463-2050.



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 1, 2017

Hon. Scott Pruitt, Administrator
U.S. Environmental Protection Agency
Office of the Administrator, 1101A
1200 Pennsylvania Avenue, N.W.
Washington D.C. 20460

Re: Request to Suspend and Withdraw the Environmental Protection Agency's Information Collection Request for Existing Oil and Gas Facilities, EPA ICR No. 2548.01; from the State of Texas, from the State of Alabama, from the State of Arizona, from the State of Kansas, from the State of Kentucky, from the State of Louisiana, from the State of Mississippi (by and through the governor), from the State of Montana, from the State of Oklahoma, from the State of South Carolina, and from the State of West Virginia

Dear Administrator Pruitt:

We write to express our concern with the pending Information Collection Request (Request) for Oil and Gas Facilities, EPA ICR No. 2548.01, and request that it be suspended and withdrawn. The information request was issued on November 10, 2016 and requires oil and natural gas companies to provide voluminous information and survey responses in support of the Obama Administration's initiatives to impose onerous requirements upon industry to reduce emissions of greenhouse gasses, such as methane.

As you are aware, 15 States, as well as industry partners, challenged the Obama Administration's attempts to govern emissions of greenhouse gasses from a broad spectrum of new facilities within the oil and natural gas sector. *See North Dakota v. EPA*, Case No. 16-1242 (D.C. Cir.); *State of Texas v. EPA*, Case No. 16-1257 (D.C. Cir.); *State of West Virginia v. EPA*, Case No. 16-1242 (D.C. Cir.).¹ These matters were recently consolidated with pending challenges to the Obama Administration's earlier rules targeting emissions of other compounds from oil and natural gas facilities. *See Am. Petroleum Inst. v. EPA*, Case No. 13-1108, and consolidated cases. The litigation in these matters has just begun, but it relates to a common theme from the Obama Administration—the issuance of onerous regulations

¹ The States that are in this pending litigation are: Alabama, Arizona, Kansas, Kentucky, Louisiana, Michigan, Montana, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Texas, West Virginia, and Wisconsin.

and requirements in support of an overall climate agenda targeting multiple industry sectors that will create an economic drag on our nation's economy with dubious environmental benefit. We also disagree with EPA's assumption that it possesses clear authority to regulate methane under section 111(d) of the Clean Air Act without a specific methane endangerment finding.

This information request furthers the previous administration's climate agenda and supports the next and most onerous phase of the Obama Administration's regulations targeting the oil and gas industry—the imposition of burdensome climate rules on existing sites, the cost and expense of which will be enormous. The burden of the Request is disproportionate to its benefit. We believe the EPA's requests to be an unnecessary and onerous burden on oil and gas producers that is more harassment than a genuine search for pertinent and appropriate information. Among the 114 inquiries of the Request, many state regulatory agencies already have up-to-date records and data available and responsive to many of the EPA requests. And yet the EPA has not adequately attempted to work with state agencies to develop less burdensome avenues to acquire much of the data sought. For other information sought in the Request, oil and gas producers are required to gather data and information that does not provide an environmental benefit.

The EPA's own estimates claim the industry cost of responding to the Request is about \$42 million: \$18 million to respond to the operator survey and \$24 million to respond to the more detailed facility survey, or between \$1,100 and \$5,800 for each company to respond to and complete the Request. Experience indicates that the true cost and burden is undoubtedly much higher and comes at a time when the oil and gas industry is recovering from its most significant economic downturn in decades. Many of the companies can ill-afford the time and expense to comply with yet another empty regulatory burden.

We hope that the burdensome Obama climate rules never see the light of day, which is why we ask that this Information Collection Request be suspended and withdrawn. At a minimum, we suggest that the EPA: (1) grant a 180-day extension for any required response; (2) take no enforcement against companies that do not respond; (3) allow companies to use "best estimate" data and information; and (4) work with state regulatory agencies to acquire pertinent and appropriate information.

We appreciate that the Administration has many priorities and that this request may require additional deliberation. Please consider an immediate suspension of the Information Collection Request pending internal review by the EPA concerning whether it should withdraw the Request.

We appreciate your prompt consideration to this matter.

Sincerely,



Ken Paxton
Attorney General of Texas



Steven T. Marshall
Attorney General of Alabama



Mark Brnovich
Attorney General of Arizona



Derek Schmidt
Attorney General of Kansas



Matt Bevin
Governor of Kentucky



Jeff Landry
Attorney General of Louisiana



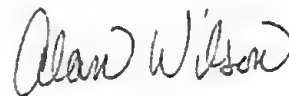
Phil Bryant
Governor of Mississippi



Tim Fox
Attorney General of Montana



Mike Hunter
Attorney General of Oklahoma



Alan Wilson
Attorney General of South Carolina



Patrick Morrissey
Attorney General for West Virginia

Hon. Scott Pruitt
Page 4

cc: Hon. Jeff Sessions, United States Attorney General

Whitney Lipscomb

From: Toth, Michael <Michael.Toth@oag.texas.gov>
Sent: Monday, February 27, 2017 2:39 PM
To: Starr, Brantley; 'abrasher@ago.state.al.us'; 'paul.watkins@azag.gov';
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'john.knepper@wyo.gov'; hancock.fenton@maine.gov
Cc: Moody, Grace
Subject: RE: State AG letter to EPA regarding information request to oil and gas producers
Attachments: Letter to EPA regarding information request v.4 02232017.docx

Dear Colleagues,

Just one final reminder that the deadline is COB today to join the letter to the EPA regarding the onerous information request in connection with the Methane Rule.

We are delighted to report that the following States have already agreed to join: Alabama, Kansas, Kentucky, Louisiana, Mississippi, Oklahoma, and South Carolina. The latest version of the letter, which does *not* include the final signature block indicating the joiners, is attached.

Very respectfully yours,

Michael Toth
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KEN PAXTON

From: Starr, Brantley

Sent: Tuesday, February 21, 2017 4:36 PM

To: 'abrasher@ago.state.al.us'; 'paul.watkins@azag.gov'; 'Dominic.Draye@azag.gov'; 'lee.rudofsky@arkansasag.gov'; 'nicholas.bronni@arkansasag.gov'; 'fred.yarger@coag.gov'; 'Amit.Agarwal@myfloridalegal.com'; 'Jordan.Pratt@myfloridalegal.com'; 'SWarren@law.ga.gov'; 'TButler@law.ga.gov'; 'Cally.Younger@gov.idaho.gov'; 'Tom.Fisher@atg.in.gov'; 'Larry.Johnson@iowa.gov'; 'Brant.Laue@ks.gov'; 'Jeff.Chanay@ag.ks.gov'; 'Steve.Pitt@ky.gov'; 'Chad.Meredith@ky.gov'; 'MurrillE@ag.louisiana.gov'; 'LindstromA@michigan.gov'; 'restucciae@michigan.gov'; 'Drew.Snyder@governor.ms.gov'; 'Whitney.Lipscomb@governor.ms.gov'; 'HPIZZ@ago.state.ms.us'; 'Ryan.Bangert@ago.mo.gov'; 'John.Sauer@ago.mo.gov'; 'DaleS@mt.gov'; 'dave.bydalek@nebraska.gov'; 'dave.lopez@nebraska.gov'; 'LVanDyke@ag.nv.gov'; 'jtartakovsky@ag.nv.gov'; 'Steven.Blankinship@state.nm.us'; 'dbahr@nd.gov'; 'Eric.Murphy@ohioattorneygeneral.gov'; 'patrick.wyrick@oag.ok.gov'; 'mithun.mansinghani@oag.ok.gov'; 'bcook@scag.gov'; 'ESmith@scag.gov'; 'sherri.wald@state.sd.us'; 'Andree.Blumstein@ag.tn.gov'; 'tylergreen@utah.gov'; 'pdouglas@utah.gov'; 'Elbert.Lin@wvago.gov'; 'Thomas.M.JohnsonJr@wvago.gov'; 'tseytlinm@doj.state.wi.us'; 'walshr@doj.state.wi.us'; 'Breuerdm@doj.state.wi.us'; 'john.knepper@wyo.gov'; hancock.fenton@maine.gov

Cc: Toth, Michael <Michael.Toth@oag.texas.gov>; Moody, Grace <Grace.Moody@oag.texas.gov>

Subject: State AG letter to EPA regarding information request to oil and gas producers

Colleagues,

We ask that you join a letter we plan to send to the EPA next Tuesday. The letter is regarding an onerous information request the EPA has sent every oil and gas producer that is tied to the Methane Rule (which a number of our States have filed suit on). **Please let us know by COB Monday, February 27th if your State intends to join.**

The following States have filed suit over the Methane Rule: Alabama, Arizona, Kansas, Kentucky, Louisiana, Michigan, Montana, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Texas, West Virginia, and Wisconsin.

Starting last November, the EPA began asking oil and gas producers for data pursuant to the rule under its authority to collect information. That collection request is here: <https://www.epa.gov/sites/production/files/2016-11/documents/oil-natural-gas-icr-supporting-statement-epa-icr-2548-01.pdf>.

We see two major problems with the request:

- 1) It depends on the validity of a rule 15 States are challenging, and
- 2) It is exceedingly burdensome for producers to comply with.

We're happy to answer any questions you may have.

Note on open records: Under Texas's expansive open records law, communications relating to anticipated or pending litigation with others are privileged so long as recipients do not join the adverse side of the litigation. Thus, we are only sharing this draft with States that did or have considered joining suits against the Methane Rule.

Thank you.

Brantley Starr
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